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COMMITTEE ON THE RIGHTS OF THE CHILD

Ninth session

SUMMARY RECORD OF THE 228th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 6 June 1995, at 10 a.m.

Chairperson: Mr. HAMMARBERG

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 5) (continued)

Sri Lanka (CRC/C/8/Add.13; CRC/C.9/WP.2; HRI/CORE/1/Add.48)

1. At the invitation of the Chairperson, Ms. Ranasinghe and Mr. Azeez (Sri Lanka) took seats at the Committee table.

2. The CHAIRPERSON welcomed the delegation of Sri Lanka and invited it to introduce its initial report (CRC/C/8/Add.13).

3. Ms. RANASINGHE (Sri Lanka) summarized section I of the report on the current situation, trends and critical issues, pointing out the country's achievements in social development and her Government's concern for issues relating to the rights of the child. The social services and health portfolios had been amalgamated under one ministry in order to serve the interests of the child better. According to the social indicators, the population growth rate had been reduced to 1.2 per cent, and there were 6 million children among the 17.4 million inhabitants of Sri Lanka. She stressed the significant role played by UNICEF in reducing the infant mortality rate, which stood at 18 per 1,000 inhabitants.

4. Per capita GNP had risen to $550 in 1995, and the Government had embarked upon a major effort to reduce the 11 per cent rate of inflation to a single-digit goal. The prices of bread, a staple among the poorest sectors of society, petrol and diesel fuel had been reduced as part of the Government's plan for the reduction of inflation.

5. The biggest challenge for her Government was the ongoing armed conflict, which had claimed approximately 30,000 lives and inflicted massive destruction on the country's infrastructure. The Government had made genuine efforts to solve the crisis through negotiation, but those efforts had been thwarted. It was deeply regrettable that large numbers of people were being killed on both sides and that overall development was being hampered by the wasteful expenditure of resources. The military budget of 5.5 billion rupees exceeded the entire budget for health, and her Government looked forward to the restoration of peace, when the country's resources could be more constructively allocated to development.

6. Since the report had been submitted, her Government had created a ministry to deal specifically with women's affairs. That ministry had prepared a Women's Charter, which had been approved by the Government. In general, except in rural areas and within the poorest and least-educated strata of society, there was no discrimination against women. Formerly, there had been a clear demarcation between the roles of men and women, but larger numbers of women had entered the labour market and family responsibilities were shared more equally than before. However, there was a problem of violence against women, and the police department had established several units throughout the country to deal exclusively with crimes against women and children. Non-governmental organizations (NGOs) had also been active in ensuring respect for, and implementation of, the Women's Charter. Another important milestone in the protection of the rights of women and children

had been reached only one month earlier, when new legislation to amend the outdated laws on rape, other sexual offences and child abuse had been drafted and forwarded to the Cabinet.

7. Reforms were urgently needed in the definition of the child. As stated in paragraph 12 of the report, there was no single legal definition of a child in Sri Lankan legislation. The Children's Charter, a non-binding document produced by the Government, and the Convention on the Rights of the Child both defined the child as a person under the age of 18 years.

8. The CHAIRPERSON invited the members of the Committee to ask questions on general measures of implementation.

9. Ms. BADRAN thanked the delegation for its report and welcomed the fact that Sri Lanka had not entered any reservations or declarations. From her knowledge of the country before the civil war, she was convinced that Sri Lanka took special care of its children. However, in spite of the good survival indicators, the quality of life for Sri Lankan children was poor. Mention had been made of certain reforms in progress and the implementation of a National Action Plan for Children. She wished to know how the goals of that Plan had been established and whether the resources and mechanisms existing in the country had been taken into consideration. She also wondered whether the Government had set up a coordinating mechanism to avoid confusion in the work of the various committees and agencies established, and whether there was a mechanism for monitoring the displacement of children resulting from the civil war. Who was responsible for overall policy planning and coordination of the situation of children? How was coordination handled between the Ministry for Women's Affairs and the mechanism established for children's affairs. She asked why UNICEF assistance had decreased from $4.4 million in 1994 to $2.1 million in 1995. She noted that 3 per cent of international assistance was earmarked for children. She asked how that figure had been calculated and whether the Government did not consider 3 per cent too small an amount for so great a need.

10. Ms. SANTOS PAIS congratulated the Government of Sri Lanka on the positive steps it had taken, particularly the adoption of the National Action Plan for Children and the Children's Charter. It was obvious that the Government had given priority to the rights of children even before ratification of the Convention. The case of Sri Lanka had been an encouraging example for the Committee in discussions with other countries suffering from the effects of armed conflict. It was heartening to note that the age of recruitment was fixed at 18, rather than 15. The Committee had deemed it appropriate to adopt an Optional Protocol to raise the minimum age of recruitment into the armed forces.

11. However, in other respects the provisions of the Convention would not be complied with in Sri Lanka because neither the Convention nor the Children's Charter was legally binding. In the light of article 4 of the Convention, which urged States parties to adopt appropriate measures for the implementation of the rights recognized in the Convention, she asked what the Sri Lankan Government's intention was in that respect. How could the difficulty posed by the absence of an invocable legal provision be overcome in order to improve the everyday life of children?

12. Mr. KOLOSOV, referring to article 42 of the Convention, said that the protection of human rights and the rights of children was only possible when the persons concerned participated in the process of promoting and protecting those rights. He wished to know whether the principles and provisions of the Convention were widely known throughout the population. He asked whether schoolchildren, their parents and the authorities were aware of the existence of the Convention and its numerous provisions, and whether there was scope for improvement in the dissemination of information on the Convention. He referred particularly to the areas in which the armed conflict was taking place, and asked whether the inhabitants of those areas were aware of the Convention and the responsibilities they faced after the conflict was resolved.

13. Miss MASON noted the steps taken by the Sri Lankan Government, particularly the legislative reforms under way, but said that she was slightly confused by the existence of the Children's Charter. She wondered why it was necessary to adopt such a Charter instead of incorporating the provisions of the Convention into domestic legislation. She therefore inquired about the effectiveness of the Charter and of the committee set up under the Charter. What were its activities and how did it ensure the implementation of the rights of children? She would also welcome information on the progress made by the National Committee that had been established to monitor the rights of children.

14. Ms. KARP said that she was fully aware of the difficulties faced by Sri Lanka. The Sri Lankan Action Plan had been devised prior to ratification of the Convention and in no way reflected the content of the Convention. A technical monitoring committee had been established but it had practically no budget of its own and no effective or practical means to change the Action Plan in order to reflect the Convention more clearly. After Sri Lanka had prepared its report, the Ministry of Health and the Ministry of Social Services had been amalgamated. She asked whether the amalgamation had resulted in a lower allocation of budgetary resources and whether it had helped the general orientation of efforts to implement the Convention.

15. A separate report had stated that in Sri Lanka the Department of Probation and Child Care employed 142 officers, thinly distributed over the country, with 40 posts vacant. With an overall population of 17.2 million, including many children, and the unique problems caused by civil war, the level of staffing seemed to be inadequate. She asked whether there were any prospects for change, in particular in budgetary allocations for the implementation of programmes.

16. Ms. RANASINGHE (Sri Lanka) said that neither the Convention nor the Children's Charter was legally binding. There were several differences between the two instruments. For example, the Convention set the minimum age of recruitment to the armed services for children at 15. The Sri Lankan authorities wished to change it to 18. During the civil war the army had called for applications from candidates under the age of 17. However, representatives of UNICEF and the national authorities had appealed to the Sri Lankan President, who had put a stop to such a policy. Progress had been made in raising the age of recruitment from 15 to 18.

17. In Sri Lanka different cultural and ethical standards and religious beliefs existed side by side. Children enjoyed full freedom but were subject to parental guidance. The Children's Charter contained specific provisions on that subject, for example, in relation to their custody and well-being. The Charter also referred to parents' duties and responsibilities and to patriotism. Parental guidance helped children to choose their religious beliefs, which were usually the same as those of their parents.

18. Initially, the Sri Lankan authorities had wished to create a Children's Act by amending and consolidating a number of national laws; such an Act required a long period of preparation. The National Monitoring Committee had decided to produce a policy document reflecting the country's approach to the Convention. Wide publicity had been given to the Convention and the Charter. The Charter made provision for a National Committee for the Monitoring of the Rights of the Child. That Committee met regularly to discuss policy issues, for example the registration of births.

19. The national birth certificate contained a separate column for the marital status of a child's parents. In Sri Lanka there were a large number of unmarried mothers and therefore illegitimate children. In later life children were required to submit a copy of their birth certificate when taking an examination or applying for a job and so on. An illegitimate child could easily be embarrassed, since a stigma was attached to illegitimacy in Sri Lankan society. The Monitoring Committee had therefore requested a meeting with the Registrar General to delete the marital status column from the birth certificate. In cases of illegitimacy, the mother's name was given on a child's birth certificate in the column reserved for the father's name. Under Sri Lankan legislation it was not possible for a mother to give a father's name without his consent. A request had been made to the Registrar General to amend the relevant law so that the mother was able to include the name of the father in the certificate even though they were not married. A child had the right to know who his father was. However, that approach was abused by some women, who falsely implicated men as the fathers of their children. The Registrar General and most of the members of the Monitoring Committee agreed that the marital status column should be removed from birth certificates.

20. The Monitoring Committee had also requested the Ministry of Education to ban corporal punishment in schools. That practice had continued for some time. Some educationalists believed that corporal punishment should be retained to maintain discipline and no final decision had been taken by the authorities. A case had arisen where a young girl had been raped by an influential person. Initially no legal action had been taken and the Monitoring Committee had been unable to follow up the matter with the Attorney General. However, through dialogue and media publicity the case had finally been brought to court.

21. The CHAIRPERSON expressed the hope that the Committee's concluding observations would be of help in such cases. No legal provision had been made for the Convention to be invoked in a court of law. Action was therefore being taken to enact enabling legislation to give effect to the provisions of the Convention. He asked whether Sri Lanka was adopting a comprehensive approach towards reviewing its legislation in the light of the Convention.

22. Ms. RANASINGHE (Sri Lanka) drew attention to the Attorney General's statement that his department would take appropriate action in dealing with that matter. No further details were currently available.

23. The CHAIRPERSON said that since the Children's Charter placed further emphasis on parents, that might undermine the principle of a child's best interests, which was fundamental to the Convention. Concern had been expressed among NGOs in Sri Lanka that that principle was not fully reflected in the Children's Charter.

24. Ms. RANASINGHE (Sri Lanka) said that much publicity had been devoted to the Convention through the media, workshops and seminars. Children had become aware of their problems and their rights. Clashes with the provisions of the Convention were possible because of the different ethical and cultural standards and religious beliefs which existed. However, no such difficulties had yet been encountered. In Sri Lankan culture a very strong bond existed between children and their parents. Children lived at home until they were married; parents looked after their children even if they were in employment.

25. The CHAIRPERSON observed that a distinction should be drawn between cultural and legal standards. If differences also existed between the Convention and the Children's Charter in relation to a child's best interests, problems could ensue.

26. Miss MASON said that in her country there were many illegitimate children. In order to avert problems, it was possible for any man to be registered as a child's father. Both parents must be present at the registration of a child's birth, unless the man involved disputed paternity. The names of both parents were entered in the register, since married women often did not change their name for professional reasons. She requested information on the progress made by the Monitoring Committee in relation to the implementation of the Convention.

27. Ms. RANASINGHE (Sri Lanka) said that difficulties could arise in the registration of a child's birth since fathers often abandoned mothers while they were pregnant, in which case it might be impossible to trace individual fathers.

28. Ms. SANTOS PAIS said that when national legislation tried to reaffirm the content of international treaties, the wording used was not necessarily the same. In cases where language was more restrictive, certain rights might not be fully reflected, thereby creating a breach between national legislation and the international treaty involved. For example, non-discrimination was one of the basic principles of the Convention being provided for in article 2, which contained a list of the most commonly applied criteria, such as disability. However, that characteristic did not appear in the Sri Lankan Children's Charter or Constitution. Since it was not mentioned, was discrimination likely to occur?

29. Article 28 of the Convention provided that children should be treated with full respect for their human dignity and that discipline should be compatible with their fundamental rights. It was therefore pleasing to note the action taken in Sri Lanka to put a stop to the practice of corporal

punishment in schools. However, in the country's juvenile justice system, caning of children was permitted. That was not in conformity with the Convention. Sri Lanka should be encouraged to take the necessary steps to ensure full conformity between the Convention and its national legislation and to guarantee that children could exercise their rights in an appropriate manner.

30. Ms. RANASINGHE (Sri Lanka) said that the Children's Charter and Constitution of her country made specific reference to disability. The relevant legislative provisions must be applied in practice. The introduction of a complete ban on the caning of children was under consideration and it was almost certain that that practice would be eradicated in the future. The Ministry of Education had been instructed to prepare legislation on corporal punishment in schools. The Monitoring Committee had recommended that that Ministry should make education compulsory up to the age of 15. The relevant legislation had been prepared and would shortly be forwarded to Parliament. Its enactment would greatly reduce child labour: in the proposed legal amendments, the minimum age for employment would be raised to 15, equivalent to the minimum school-leaving age. A special committee had been set up by the Ministry of Education to deal with the problems involved.

31. Ms. BADRAN observed that the Convention represented a cultural transition towards the introduction of the concept of children's rights. Even prior to the adoption of the Convention, provision had been made for child-care services and programmes. The concept of rights meant that somebody must actually demand those rights for children and the people discussing those rights must question the factors which contradicted them. Primarily, it was the responsibility of the State to defend children's rights. The law was one of the most influential mechanisms, but it would be presumptuous to think that it should constantly be changed for it to be in harmony with the concept of rights. It was necessary to achieve a balance between trying to change the law and trying to modify practices in society. Under the social welfare system, visits by social workers to schools must be compatible with visits to individual families. The fact that the current dialogue was in progress was not a criticism of Sri Lankan national law or culture, but it was necessary to decide how to implement legal changes and to coordinate those changes with a change of attitudes, family and school culture, and the economic system.

32. The CHAIRPERSON asked how the goals of the Sri Lankan National Action Plan were defined and what mechanisms existed to follow up developments.

33. Ms. RANASINGHE (Sri Lanka) said that the National Action Plan had been prepared by the Ministry of Plan Implementation, which had held several meetings with other ministries and had instructed them to formulate individual sectoral plans. In preparing the National Action Plan, officials had considered the problems and needs arising and also how to implement programmes to meet such needs. However, Sri Lanka had only limited resources available. Funds had been provided by the Government, UNICEF and other United Nations and donor agencies to assist implementation of the Action Plan, but further resources were essential. The reduction in UNICEF funds for the current year had been very keenly felt. The severe budgetary cuts in the health, education and social services sectors were regrettable. UNICEF had assured Sri Lanka that some extra funds would be available in the latter part of the year, but

programmes had already been adversely affected. UNICEF made a significant contribution to water-supply, education, health, infant-mortality and immunization programmes.

34. A mid-term review of the implementation of the Action Plan had begun. It was being conducted by the Ministry of Plan Implementation, with the help of officials implementing the different programmes and UNICEF staff. The problem of malnutrition among children was a serious one; about 38 per cent of children suffered from malnutrition, which was partly caused by poverty. Programmes to eradicate poverty had been launched by the previous and current Governments. Community programmes had been initiated and the current Government would shortly implement a prosperity programme, whose aim was to alleviate the very serious problem of poverty. The prices of various food items had been reduced to help to eliminate malnutrition. Under the food stamp programme, families were provided with the means to improve their nutrition. A midday meal programme for children had also been introduced. The programmes implemented had not been 100 per cent successful: iodinized salt had been made available in Sri Lanka but vitamin A deficiency remained a problem. That was a source of concern to the Ministry of Health and NGOs dealing with the problem of malnutrition among children. It was hoped that in the future it would be possible to reduce the problem to a minimum, but it seemed very unlikely that it would be eradicated completely.

35. The CHAIRPERSON said that what the Committee had in mind with regard to monitoring was a system that would inform decision-makers about the situation of children not only in the cities but also in remote areas and would update that information as a basis for programmes and policy-making. It would inform those concerned about the effects of action taken so far. It might also be necessary to include an element of independent reporting because it sometimes happened that those responsible for a programme might not submit a true report on failures and problems. It was also necessary to ensure that there was no gap or overlapping between the various authorities.

36. Ms. RANASINGHE (Sri Lanka) said that various ministries had programmes designed to achieve coordination. For example, a technical committee appointed by the former Minister of Reconstruction, Rehabilitation and Social Welfare to study legislation on child abuse and child welfare had prepared recommendations and forwarded them to the Cabinet. At the same time, the Minister of Justice had taken similar action. He had studied the recommendations made by the Technical Committee on Child Abuse and Child Labour and had sent them to the cabinet. That showed that there was a need for a more effective system of coordination. There was also a need to ensure coordination between the Ministry of Women's Affairs and the Ministry of Social Services.

37. Mrs. BADRAN noted that Sri Lanka's Ministry of Plan Implementation had been responsible for monitoring execution of the Action plan and that a children's bureau and a women's bureau existed within that Ministry, which had an extremely good relationship with the Ministry of Finance. A committee by definition required a supporting staff and she would like to know where the Monitoring Committee did its work.

38. Ms. RANASINGHE (Sri Lanka) said that the Monitoring Committee did not have a budget. There was no coordination between the Ministry of Women's Affairs and the social services. One problem was the fact that health was a vast field. When there had been a separate Ministry of Social Services some time before, much more work had been done. Meetings had been held frequently and directives issued. At the present time, social services constituted the lowest priority. In her opinion, it would be better if social services had its own ministry. It should be noted that the present situation was the result of a pre-election promise made by the President that he would reduce the number of ministries in order to reduce expenditure.

39. The Children's Secretariat was subordinate to the Ministry of Women's Affairs and had previously been under the Ministry of Plan Implementation. At the present time the Secretariat dealt mostly with the question of preschool education.

40. In reply to a question by the CHAIRPERSON regarding article 42 of the Convention, Ms. RANASINGHE (Sri Lanka) said that considerable media coverage was given to the Convention. Various government ministries were involved in making the Convention widely known and a large number of seminars, children's programmes and exhibitions were designed to create awareness of the Convention's provisions. Her Government felt that there was a need to create such an awareness among the public, including police officers, NGOs and managers of orphanages. With regard to schoolchildren, the Government sought to educate parents in the rights of children and organized a programme of meetings with school drop-outs and their parents. In her opinion, wide awareness had been created about the rights of children.

41. Mr. KOLOSOV welcomed the fact that work was being done to make the public aware of the rights of children under the Convention. However, children graduated from school and there was a need to ensure that that public awareness continued. He would like to know what measures were being taken at the government and local levels to ensure continuous awareness of the Convention.

42. Ms. RANASINGHE (Sri Lanka) said that since 1989 provincial councils had been largely responsible for ensuring that the provisions of the Convention were widely known throughout the country. Previously, those functions had been performed by a central authority, but they were currently the responsibility of both the central administration and the provincial councils. In that connection, it was her responsibility, as Commissioner for Probation and Child Care, to formulate the relevant programmes, which were implemented by her in conjunction with provincial officials. Recently, she had carried out three programmes relating to the rights of the child in three schools, together with provincial staff.

43. In response to a point raised by the Chairperson, she said that information about the rights of the child was being included in school curricula for the benefit of both children and teachers. However, there were many problems in the areas affected by armed conflict. In one area, the provincial council had not paid officials for several months. Nevertheless, the Government was doing its utmost to help the civilians, in particular women and children, and various resettlement programmes were under way.

44. In reply to a question by Ms. Karp, she said that it had become difficult to monitor the implementation plans of the provincial councils. However, that did not mean that no monitoring was taking place. Most members of provincial councils were experienced officials, although there were some new officials. The provincial secretaries were all new.

45. Ms. KARP asked what was the role of the central authority with regard to budgetary allocations.

46. Ms. RANASINGHE (Sri Lanka) said that budgetary allocations were the responsibility of the secretary or the provincial council. However, if the allocation was not adequate, the central administration had to make good the deficiency.

47. Miss MASON said that the Committee was acutely aware of the financial burden which legislative and administrative reforms placed on countries such as Sri Lanka. It was unfortunate that, as a general rule, spending cuts resulting from structural adjustment tended mainly to affect the social sector. Nevertheless, States parties were obliged, under the terms of article 4, to implement the provisions of the Convention to the maximum extent of available resources. That being the case, one possible recommendation of the Committee might be to ensure that greater resources were made available to the Children's Secretariat as an independent body and so to ensure that priority attention was given to children's welfare in its own right.

48. She wondered if there were plans to esta lish an independent body to monitor implementation of the Convention and whether, in particular, consideration had been given to establishing a post of ombudsman, given that there was a strong case for setting up a separate institution with such a mandate.

49. Ms. RANASINGHE (Sri Lanka) said that it was the purpose of the Monitoring Committee referred to in the initial report (para. 161) to monitor implementation of the Children's Charter, which embodied the principles of the Convention, a fact that had not been made clear in the report.

50. As to the question on budgetary allocations, the situation was admittedly not good, and greater funding would be required in order effectively to implement new provisions for children's welfare. The idea of an ombudsman was being discussed and such a post might be established in the future.

51. Mr. KOLOSOV asked how the authorities ensured that school-meal stamps were distributed equitably in the different provinces, so as to prevent disparities in access to free meals for children.

52. Ms. RANASINGHE (Sri Lanka) said that all children were able to obtain a midday meal at school and the poorest were all able to obtain food stamps. The system of distribution was administered centrally by the Department for the Relief of the Poor and effective monitoring ensured that there were no disparities between provinces.

53. The CHAIRPERSON, noting that the issues listed under general measures of implementation had now been discussed in some depth, invited the Committee to turn its attention to the section on general principles, beginning with the question of non-discrimination.

54. Ms. KARP said that she would welcome more information on what social welfare benefits, if any, were available to unmarried mothers and on any discrimination that might occur when, for example, illegitimate children were enrolled at school.

55. Mr. KOLOSOV asked whether there was any general feeling in Sri Lankan society that the legal minimum age of marriage for girls was too low or that the different age-limits for boys and girls was unjustified.

56. Ms. KARP said it was her understanding that, under existing legislation relating to personal status, discrimination was still possible in the areas of inheritance, marriage or adoption on grounds of religious affiliation or in the light of the cultural and social group to which a child belonged. Was that in fact the case? If so, were there any plans to eliminate such discrimination?

57. Ms. RANASINGHE (Sri Lanka) said that under the "customary" laws which prevailed in the different communities, some discrimination was still possible. The Government took very seriously its responsibilities in eliminating discriminatory practices and was considering specific measures.

58. Discrimination still, unfortunately, existed with regard to unmarried mothers and illegitimate children. Sri Lankan society was fairly conservative and still reluctant to grant full rights to unmarried mothers. The Government was attempting to change attitudes and legislation aimed at ensuring greater equality of treatment would be enacted before long. Even in Western countries 40 or 50 years previously, there had been a general reluctance to accept unmarried mothers, but attitudes had gradually changed, as they would eventually in Sri Lanka. Social welfare benefits were available to unmarried mothers.

59. Existing legislation which set the minimum marriage age for girls at 12 years was clearly obsolete, did not reflect public attitudes and would be amended. To her knowledge, no 12 year-old girls had married in recent years, even in rural areas. Until 1989, when the age-limits for marriage without parental consent had been lowered, it had not been possible for boys or girls to marry before reaching the age of 21 years without the consent of their parents. Young people nowadays, tended to be more interested in employment or further education than marriage and increasingly married in their late twenties. It was, however, possible that girls as young as 14 married in some areas.

60. Ms. BADRAN asked, given that the minimum marriage age for girls was likely to be raised, what the new minimum age would be. The issue of age-limits was a civil rather than religious one and there was therefore a strong case for setting a single age-limit for all the religious and cultural communities in the country.

61. Although discrimination on grounds of sex was illegal under the terms of the Constitution, the existence of an action plan for the girl child and of a Ministry of Women's Affairs suggested that disparities continued to exist. In that context, she wondered what the main objectives of that Action Plan were and what resources would be made available to implement it.

62. Certain specific examples of discrimination were of particular concern. Those included the case of families working on tea plantations, where health care, amenities and general living conditions did not appear to be consistent with the provisions of the Convention. Were any improvements planned in that area? Children who had been displaced from their home areas and forced to live in camps were also obliged to endure poor living conditions and could be said to suffer discrimination, as could lower-caste children whose parents performed menial tasks and, as a result, suffered a degree of social stigma.

63. Ms. RANASINGHE said that the caste system had been an important factor in Sri Lankan society a generation before but was now rapidly dying out. That applied increasingly to "mixed" marriages, and no obvious discrimination was perpetrated against such couples or their children in terms of educational and employment opportunities. On the other hand, the families of workers employed on tea plantations still suffered a degree of discrimination, despite attempts by the authorities to provide adequate services for mothers and children, including day-care centres and efficient medical care. Both the Government and various NGOs had made great efforts to improve conditions, and many foreign companies were also involved in programmes to reduce social disparities. Even two decades before, the situation had been deplorable; great progress had been made and was expected to continue.

64. Ms. SANTOS PAIS said that it was always a formidable challenge to strike a correct balance between statutory provisions and actual practice. Legislation could help to change public attitudes or, alternatively, it could reinforce existing attitudes by apparently setting a seal of approval on the status quo. Such was the case with the legislation relating to the minimum marriage age for girls, and she hoped that the Sri Lankan authorities would take the Committee's recommendations to heart and introduce legislation to raise the age-limit. The excessively early marriage age for girls had potentially damaging implications for the educational opportunities open to them. That tended to create a vicious circle, as poorly educated mothers found themselves unable to assist with their children's education.

65. Mr. KOLOSOV noted that the Constitution appeared to contain no specific prohibition of discrimination with regard to property, nor was there any prohibition of discrimination on the grounds of the legal status or beliefs of a child's parents or guardians. While it might be difficult to amend the Constitution, it would be highly desirable to make the Children's Charter a legally binding instrument, in which case consideration should be given to incorporating specific provisions against those forms of discrimination. That would reflect the terms of article 2 of the Convention, which prohibited all forms of discrimination.

66. Mr. AZEEZ (Sri Lanka) said that his Government had announced its intention to amend the Constitution; the amendments proposed would include specific provisions governing property rights and non-discrimination in relation to property and other factors.

67. Ms. KARP said that certain difficulties might arise from the wording of the Constitution, which prohibited discrimination on the grounds of an individual's "place of birth". She suggested that the prohibition should be expressed in more general terms relating to "grounds of birth", to reflect the more general wording and scope of the Convention".

68. Miss MASON said that she would like some information on the historical background to the statutory age-limits applied in the case of abduction from lawful guardianship, which appeared to her to discriminate against girls.

69. The minimum age of criminal responsibility, at 8 years, appeared, to be very low, although a child could not be deemed to have committed an offence before reaching the age of 12 years if the court considered that the child did not have mens rea at the time of the offence. Were there any plans to raise the minimum age for criminal responsibility?

70. Mr. KOLOSOV asked what sanctions were available if somebody in an official position, such as a doctor or teacher, discriminated against a child by, for example, refusing the child admission to school or denying treatment in the event of illness?

71. Ms. RANASINGHE (Sri Lanka) said that in most such cases, the child's parents or guardians would complain to the department concerned, which would then conduct an inquiry and, where necessary, take appropriate action. Alternatively, they could bring an action before the Supreme Court; there were precedents for such action.

72. The CHAIRPERSON observed that in such cases, the disadvantaged and less articulate were in a very much weaker position than people who were better educated and might have connections within the department concerned. He shared the view that legislation could be a powerful tool in modifying public attitudes and perceptions; respected political leaders were in a position to take the lead and influence public opinion with regard to, for example, the status of children born out of wedlock.

The meeting rose at 1 p.m.